IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 23332 of 2004

Between:

Rajanala Subba Rao, S/o. Sriramulu,
R/o. Navaluru Village, Mangalagiri Mandal, Guntur District.

..... PETITIONER

AND

1. The Divisional Manager, APSRTC, Guntur, Guntur District.
2. Andhra Pradesh State Road Transport Corporation, Rep. by its Managing

Director, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Certiorari and quash the impugned order of the 1st respondent vide proceedings order
No. P1/813(1)/2004-RM/GNT, dt. 1-12-2004 being illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India apart from being violation of the principles of Natural Justice.

Counsel for the Petitioner:MR.T.LAKSHMI NARAYANA

Counsel for the Respondent Nos.1 and 2: MR.R.MANMADHA REDDY, SC FOR APSRTC

The Court made the following:

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ORDER:

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Challenging the order in proceedings No.P1/813(1)/2004-RM/GNT, dated 01-12-2004, passed by the Divisional Manager-first respondent, the present writ petition is filed.

2. The petitioner is working as a Heavy Vehicle Driver, Grade-I, in the respondents-corporation. Earlier, by an order dated 21-09-2004, the petitioner was placed under suspension due to certain allegations. Challenging the suspension order, the petitioner filed a Writ Petition No.18147 of 2004 and this Court, by an order dated 14.10.2004, set aside the suspension order. In pursuance of the directions given by this Court, the petitioner was taken into service transferring from Mangalagiri to Bapatla, through the impugned order. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner contended that as the petitioner is having mere service of 45 days, it is difficult for him to draw the monthly pension every time at Bapatla, which is at a distance of 65 KMs from Mangalagiri, and therefore, it will cause hardship to the petitioner.

4. On the other hand, the learned Standing Counsel appearing for the respondents-Corporation contended that the transfer is made on administrative grounds and that the petitioner can as well file an appeal before the competent authority.

5. Admittedly, as per the Standing Orders of the respondent-Corporation, an appeal lies to the appellate authority. The leftover service of the petitioner and the drawing of pension on retirement at Bapatla are required to be considered by the appellate authority.

6. Therefore, without going into the merits, the writ petition is disposed of with a direction to the writ petitioner to file an appeal before the appellate authority within one week from today and thereafter the appellate authority shall pass appropriate orders within one week. Till then, the petitioner shall not be disturbed from Mangalagiri.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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K.C.BHANU, J

December 16, 2004.

YCR

Copy to:

1. The Divisional Manager, APSRTC, Guntur, Guntur District.
2. The Managing Director, APSRTC, Hyderabad.

3. Two C.D. copies

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